

**MINUTES OF THE
CITY OF GREENSBORO
MINIMUM HOUSING STANDARDS COMMISSION
REGULAR MEETING
APRIL 8, 2014**

The regular meeting of the City of Greensboro Minimum Housing Standards Commission was held on Tuesday, April 8, 2014 in the Council Chambers of the Melvin Municipal Office Building, commencing at 1:37 p.m. The following members were present: Kathleen Sullivan, Chair; Justin Outling; Tyler Quinn; Ellen Sheridan; and Steve Allen. Staff present included Elizabeth Benton, Cheryl Lilly, Zona Cureton, Mark Wayman, and Inspectors Don Sheffield, Roy McDougal, Don Foster, Jared LaRue, Brad Tolbert, and Rick Stovall. Also present was James Dickens, Attorney for the Commission, and Jennifer Sutphin-Smith, City Attorney's Office.

1. APPROVAL OF MINUTES FROM MARCH 11, 2014 MEETING:

Mr. Outling moved approval of the March 11, 2014 meeting minutes, seconded by Mr. Allen. The Commission voted unanimously 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Sheridan, Quinn, Allen. Nays: None.)

2. REQUEST OF STAFF OF ANY CHANGES TO THE AGENDA:

Compliance Coordinator Benton announced that Item 5, 712 Douglas Street, has been removed from the agenda. The property is now in compliance.

Compliance Coordinator Benton stated that unit numbers need to be corrected on Item 9, 3102 Summit Avenue. The correct unit letters to be heard at today's meeting are H, I, L, M, and N. She asked the Commission to disregard reference to units A, B, C, D, E, F, and K. In addition, she requested that an additional case be added, Item 18, for property at 231 South English Street. The property is now in compliance and she requested that it be heard under Requests to Rescind.

Mr. Allen moved to amend the agenda as requested, seconded by Mr. Quinn. The Commission voted unanimously 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Sheridan, Quinn, Allen. Nays: None.)

3. SWEARING IN OF CITY STAFF TO TESTIFY:

City staff was sworn as to their testimony in the following matters.

4. SWEARING IN OF OWNERS, CITIZENS AND ALL OTHERS TO TESTIFY:

Property owners and citizens were sworn as to their testimony in the following matters.

CONTINUED CASES:

5. **712 Douglas Street (TMN 30-0-27)** Dorothy Helms, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Continued from 1/14/14 and 3/11/14 Commission meetings. **(REMOVED DUE TO COMPLIANCE)**
6. **3504 Alton Street (TMN 197-4-8))** Victor and Chiewke Archibong, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Stovall. Continued from 1/14/14 and 3/11/14 Commission meetings. **(CONTINUED UNTIL JULY 8, 2014 MEETING)**

Victor Archibong, 16 Hollycrest Court, indicated that progress has been made since the last meeting. His contractor, Andrew Clement, described details of the progress.

Andrew Clement, 1511 McCormick Street, distributed an informational packet noting tasks that have been completed. A permit has been pulled, vagrants have been removed from the property, the house has been secured and boarded-up, debris from the interior and exterior has been removed, and the large accessory building has been demolished and hauled away. They are currently working on interior and exterior painting, floor replacement in the kitchen and bath, and the prepping of hardwood floors. Materials either purchased or donated include seven vinyl replacement windows, two back doors, an electric water heater, plumbing supplies, kitchen counters, sinks, faucets, and other miscellaneous items. When the property is completed in 90 days it will serve as the primary residence for the program director and will be used for non-classroom activities. He indicated that they are still on track for completion in 8 to 10 weeks. At the request of Mr. Allen, he provided details of the lease agreement with Mr. Archibong. Mr. Clement is in receipt of the full list of violations that need to be repaired.

Inspector Sheffield said that a permit was pulled for work; however, no inspection has been made.

Mr. Allen moved to continue the case until the August, 2024 meeting.

Mr. Allen amended his motion and moved to continue the case until the July 8, 2014 meeting, seconded by Ms. Sheridan. The Commission voted unanimously 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Sheridan, Quinn, Allen. Nays: None.)

7. 2112 Larkspur Drive (TMN 405-2-49) Cornelius Morton and Barnadatte Morton, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Stovall. Continued from the 3/11/14 Commission meeting. (INSPECTOR UPHELD)

Irish Goode, 4202 Queen Beth Drive, stated that she is the sister of Tammy Fox, who is a note holder and heir to this property. The property is the process of being foreclosed. She presented a letter from the attorney stating that the foreclosure process is on schedule. Ms. Fox is trying to obtain ownership. She will then bring the property up to code so that a family member can reside in the home. No repairs will be made until ownership of the property has been acquired. They hope to be the highest bidder at the foreclosure auction to assume ownership of the property. Ms. Goode stated that the attorney estimated that the foreclosure process should be complete by June, 2014.

Inspector Sheffield stated that there are no permits for this property.

Due to the fact the property has been out of compliance for almost a year and no timeline can be provided at this time to assure the community as to the length of time it would take to bring the property into compliance and further, the present party intends to make repairs contingent upon being the highest bidder in the foreclosure auction, Mr. Outling moved to uphold the Inspector, seconded by Mr. Quinn. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Sheridan, Quinn, Allen. Nays: None.)

Counsel Dickens asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was April 4, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include cracked and missing electrical outlet and switch plate covers; all electrical equipment needs to be properly installed and maintained; exposed wiring in light fixtures; power not on at time of inspection; exterior doors difficult to operate; interior doors difficult to operate; missing smoke detector; missing carbon monoxide detector; utilities for heat—gas or

electric, not on at time of inspection; water pipes missing under house; water not on at time of inspection; no water heater has been installed; unclean/unsanitary floors, ceilings, and walls; exterior walls in back storage rooms have rotting and decaying material; roof leaks; rotten roof sheathing; structural members of roof are not able to support nominal load and are rotten and deteriorating; ceiling contains holes, loose material and/or in disrepair; walls have cracks, holes, or loose plaster, decayed wood or other defective material; ceilings and walls throughout need painting; duct system throughout incapable of performing as required; windows need glazing, have broken panes; exposed wiring at light fixtures; exterior wood surfaces need to be maintained by paint or other protective coating; handrails at front porch steps are required; house needs proper premises identification; all accessory structures shall be maintained in structurally sound and good repair.

Chair Sullivan stated that the property involved in this matter is located at **2112 Larkspur Drive** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

8. 193 Lyndon Street (TMN 15-7-3) A. C. Bartholomew, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Foster. Continued from the March 11, 2014 Commission meeting.
(CONTINUED UNTIL JUNE 10, 2014 MEETING)

A. C. Bartholomew, 2104 Rolling Road, told the Commission that he has filed for eviction of the tenant and was given possession of the property by the court. Mr. Bartholomew is working daily at the property. There is a new roof, new windows, and accumulated debris has been removed from the interior of the house. He plans to begin work on the bathroom shortly. The grass has been cut and the yard is in good repair. Work will begin on the inside as soon as the former tenant removes his personal items. He felt the property could be brought into compliance within 60 to 90 days.

Inspector Sheffield said that although there is a building permit, no inspections have been done.

Officer Douglas Campbell, Greensboro Police Department, informed the Commission that the former occupant is currently incarcerated and therefore, there will be a delay in collecting his personal items. The former occupant was charged with occupying a condemned unit on March 26, 2014.

Mr. Allen moved to continue the case until the June 10, 2014 meeting, seconded by Mr. Outling. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

9. 3102 (H, I, L, M, N) Summit Avenue (TMN 294-1-14) Basil Agapion and Sophia Agapion, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Continued from the June 11, 2013; August 13, 2013; November 12, 2013; and January 14, 2014 Commission meetings.
(CONTINUED UNTIL JULY 8, 2014 MEETING)

Irene Agapion, 625 South Elm Street, stated that units A, B, C, D, E, F, G, J, and K are in compliance. Units B, C, and D are occupied. Work is progressing on the remaining units. She expects units H and M to be ready for final inspection on May 15, 2014. Units I, L, and N should be completed no later than June 30, 2014.

Mr. Quinn moved to continue the case until the July 8, 2014 meeting, seconded by Mr. Allen. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

10. 2503 Kersey Street (TMN 268-17-13) Dorothy Cornelius and Walter Cornelius, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Continued from February 11, 2014 Commission meeting. **(CONTINUED UNTIL MAY 13, 2014 MEETING)**

Walter Cornelius, 598 Pine Ridge Drive, stated that the repairs are nearing completion and should be finished within a month. Inspector LaRue expects that compliance should occur within 30 days.

Mr. Allen moved to continue this case until the May 13, 2014 meeting, seconded by Mr. Outling. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

Mr. Cornelius inquired about a fine issued relative to the property. Compliance Code Benton explained that a one time civil penalty was issued in the amount of \$200. A re-inspection fee of \$150 was also charged. The re-inspection fee is an accelerated fee at this point and is charged each time an inspection is made at the property as work is progressing, per the ordinance.

11. 839 Broad Avenue (TMN 5-2-3) Charles Alston and Latisha Alston, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Continued from February 11, 2014 meeting. **(INSPECTOR UPHELD)**

There was no one present to speak on the property. Inspector Tolbert stated that he was at the property on April 3, 2014 and observed no changes in the condition of the property. There has been no contact from the owner in regard to this property.

Counsel Dickens asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was April 3, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include plumbing pipes or fixtures are broken; water heating not properly installed or maintained; exposed wiring at light fixtures; electrical baseboard heat in back bedroom does not work; rotten flooring must be repaired in bathroom and kitchen areas; loose floor coverings must be repaired and replaced; exterior doors need to be weathertight; windows do not open or close as manufactured; windows not weathertight; windows missing screens; exterior walls contain holes and/or breaks and have loose or rotted material; exterior wood surfaces need to be maintained by paint or other protective coating; property needs to be graded to prevent accumulation of standing water.

Given the absence of testimony as to the current property owner's intent to bring the property into compliance as well as the fact that the property has been out of compliance for well over a year, Mr. Outling moved to uphold the Inspector, seconded by Mr. Quinn. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

Chair Sullivan stated that the property involved in this matter is located at **839 Broad Avenue** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the

health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

- 12. 2117 and 2119 Redwood Drive** (TMN 187-13-7) Theophilus Pinson and Barbara Pinson, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Continued from December 11, 2012; January 8, 2013; February 12, 2013; March 8, 2013; May 14, 2013; September 10, 2013; October 13, 2013; and November 12, 2013 Commission meetings.
(CONTINUED UNTIL MAY 13, 2014 MEETING)

Speaking on this matter was Michael Van Hoy with Neighborhood Development. The target date for compliance is April 18, 2014 for both units. One unit has already been completed. The contractor is beginning to paint the interior of the second unit and the cabinets should arrive within the week. He was confident that the contractor would meet the target date barring any unforeseen events.

Inspector Sheffield indicated that there is an active lead abatement permit on the site. Inspectors will not be going inside the unit until the lead abatement has been taken care of. The lead abatement permit covers both units.

Responding to a question from Mr. Outling, Mr. Van Hoy stated that they will clean up any yard debris generated by the contractor. Lead debris is removed on a daily basis. Mr. Pinson is responsible for the clean-up of any debris present at the time the contractor began work.

Ms. Sheridan moved to continue the case until the May 13, 2014 meeting, seconded by Mr. Allen. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

- 13. 809 Silver Avenue** (TMN 35-01-05) The Capital Foundation, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Continued from January 14, 2014 and March 11, 2014 Commission meetings. **(INSPECTOR UPHELD)**

Compliance Coordinator Benton stated that members are in receipt of an email from Mike Meyers, UNC-Greensboro, indicating the owner's intent to demolish if the building cannot be moved. If the Commission passes an order to uphold the Inspector, the owner is prepared to demolish the building.

Citing a conflict of interest with this matter, Mr. Outling moved to recuse himself, seconded by Ms. Sheridan. The Commission voted in favor of the motion.

The email indicates the property is a two-story building in need of much repair and they are unsure moving the building to a vacant lot would be a viable option. .

The video being shown to members was taken on April 7, 2014 and no changes have been observed at the property since it was brought to the attention of the Commission.

Brian Higgins, 1007 Haywood Street, stated that this case dates back to 2008. He gave a brief history of UNC-Greensboro's involvement with the property. He felt the only option was to uphold the Inspector.

Given the University's intention and their expressed desire not to make any repairs, Mr. Quinn moved to uphold the Inspector, seconded by Mr. Allen. The Commission voted 4-0-1 in favor of the motion. (Ayes: Sullivan, Sheridan, Allen, Quinn. Nays: None. Abstain: Outling.)

Counsel Dickens asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was April 7, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include cracked or missing electrical outlet cover; cracked or missing switch plate cover; electrical equipment needs to be properly installed and maintained; exposed wiring at outlet; exposed wiring at light fixture; power not on at time of inspection; missing smoke detectors; heat—gas/electric not on at time of inspection; every dwelling unit shall contain a bathtub or shower, bathroom sink, toilet and separate kitchen sink; plumbing facilities must be maintained in a safe, sanitary and functional condition; water not on at time of initial inspection; unclean and unsanitary floors, ceilings and/or walls; walls have peeling, chipping or flaking paint that must be repaired, removed or covered; walls have cracks, holes or loose plaster, decayed wood or other defective material; exterior doors need to be weathertight; bathroom and bedroom must have a door and interior lock; locks not maintained or missing from windows; screens required on doors; every window shall open and close as manufactured; windows need glazing; windows need to be weathertight; bathroom requires ventilation system when window isn't provided; all exterior property and premises shall be maintained in a clean and sanitary condition; main electrical panel loose or damaged; rotten flooring must be repaired throughout structure; needs premises identification.

Chair Sullivan stated that the property involved in this matter is located at **809 Silver Avenue** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

NEW CASES

14. 2417 Cypress Street (TMN 252-105-2) Michael McQuade and Terri McQuade, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector McDougal. (INSPECTOR UPHELD)

Compliance Coordinator Benton stated that this case was initially inspected on August 30, 2012. The hearing was held on October 1, 2013. An Order was issued on October 1, 2013 and expired on October 31, 2013. The City had to secure the property on three separate occasions. There is a history of police complaints on this property. There are children living in the area where the property is located and there is a school nearby.

Counsel Dickens asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was April 7, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations included missing outlet covers; GFCI receptacle required in bathroom; missing smoke detectors; utilities for heat—gas or electric, were not on at time of inspection; water not on at time of inspection; unclean/unsanitary floors, ceilings, and walls with debris throughout; walls have peeling, chipping, flaking paint that must be repaired or replaced; bedrooms

must have door with interior lockset; electrical outlet on exterior of house missing its weather cover; all exterior wood surfaces need to be maintained with paint or other protective coating; front steps in disrepair and falling; the exterior air conditioning unit is in disrepair; all accessory structures shall be maintained in sound and good repair; all exterior property shall be maintained free from weeds and plant growth in excess of 12 inches.

There was no one present to speak on behalf of the property.

At the request of members, Chair Sullivan provided a brief history of the property. She indicated that there is \$394,000 worth of liens on this property.

The property owner has not contacted the City regarding their inability to attend this hearing. The owners have signed for previous mailings; however, staff has not received the mailing back for this hearing because it went out ten days ago and the return card from the Postal Service can take several extra days.

Given the absence of testimony or other evidence as to the property owner's intent to bring the property into compliance as well as the fact the property has been out of compliance for over a year, Mr. Outling moved to uphold the Inspector. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Allen, Quinn, Outling. Nays: None.)

Chair Sullivan stated that the property involved in this matter is located at **2417 Cypress Street** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

15. 4207 Galway Drive (TMN 497-3-27) Kenneth W. Curtis and Nancy C. Curtis, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Tolbert. (INSPECTOR UPHELD)

Compliance Coordinator Benton stated that this case was initially inspected on March 6, 2012. The hearing was held on September 17, 2012. An Order was issued on October 18, 2012 and expired on November 13, 2013. The City did have to secure the property. There are children living in the area where the property is located and there is a school nearby.

Counsel Dickens asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was April 3, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include cracked and missing electrical switches and outlet covers; power not on at time of initial inspection; doors difficult to operate; missing smoke detectors; water not on at time of inspection; dwelling needs to be kept free from insect and rodent infestation; unclean/unsanitary floors, ceilings, and/or walls; walls have peeling or chipping paint that must be repaired; roof leaks; all accessory structures shall be maintained in a structurally sound manner and in good repair; exterior property and premises need to be maintained in a clean and sanitary condition and free from weeds and plant growth in excess of 12 inches.

There was no one present to speak on behalf of the property. Inspector Tolbert stated that he has had no contact with the owners and access to the property had to be gained through a warrant.

Given that this property has been out of compliance for over two years as well as the absence of testimony or other evidence as to the property owner's intent to bring the property into compliance, Mr. Outling moved to uphold the Inspector, seconded by Mr. Quinn. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Allen, Quinn, Outling. Nays: None.)

Chair Sullivan stated that the property involved in this matter is located at **4207 Galway Drive** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

**16. 4693 Long Valley Road (TMN 1-33-B-922-12) William Marshburn and Helen Marshburn, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington.
(CONTINUED UNTIL MAY 13, 2014 MEETING)**

Compliance Coordinator Benton stated that this case was initially inspected on March 27, 2013. The hearing was held on May 10, 2013. An Order to Repair was issued on May 20, 2013, and expired on June 20, 2013. She was not aware of any children in the area or a school nearby.

The owner, William Marshburn, confirmed that he had not been sworn as to his testimony in this matter. He stated that this was not a court of law and he felt he did not need to be sworn in. Chair Sullivan advised Mr. Marshburn that the Minimum Housing Standards Commission is a quasi-judicial body which requires that he be sworn as to his testimony.

Counsel Dickens asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was April 3, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include electrical equipment needs to be properly installed and maintained; unsafe electrical wiring; front door is difficult to operate; missing smoke detectors; windows not readily accessible in case of emergency; heating system not capable of maintaining 68 degrees in habitable rooms; plumbing facilities need to be maintained in a safe, sanitary, functional condition; every occupant shall dispose of garbage in a clean and sanitary manner; there are unclean and unsanitary floors, ceilings, and/or walls; interior walls have peeling, chipping, or flaking paint; walls have cracks, holes, or loose plaster; rotten roof sheathing; ceiling contains holes or loose material; windows don't open and close as manufactured and windows are missing screens; chimney is not maintained in good repair; exterior wood surfaces need to be maintained with paint or other protective coating; exterior walls contain holes and/or breaks near the basement door area; exterior walls or trim work, fascia boards specifically, have loose or rotten material; there are holes or cracks in the foundation wall and foundation vents are missing or not maintained; gutters or downspouts are in disrepair; there is a roof leak; requirement of proper house numbers and identification; the well house roof needs to be maintained in structurally sound repair; exterior property and premises need to be maintained in a clean and sanitary condition and maintained free of weeds and plant growth in excess of 12 inches; there are cracked or missing switch plate covers; light fixtures have been modified and are missing covers; missing smoke detectors; utilities for heat,

either gas or electric, were not on at time of inspection; plumbing facilities need to be maintained in a safe and sanitary condition; water heater is not properly installed; ceiling contains holes and loose material in the living room.

Upon being asked to place his hand on the Bible for purposes of being sworn as to his testimony, Mr. Marshburn indicated that he had a problem with being sworn in. He stated his opinion that this is a court of ordinances, not a court of law. Chair Sullivan advised Mr. Marshburn that the Minimum Housing Standards Commission is a quasi-judicial body and therefore is a court of law. Mr. Outling stated that if no one was going to give testimony on this property, he was prepared to make a motion.

Mr. Marshburn said that he could not talk to the Commission and present his case without swearing on the Bible, yet Commissioners sit in judgment of him while making no covenant with God.

Mr. Outling pointed out that the Commission's intent is for him to swear on the Bible or affirm that he will tell the truth.

Ms. Sheridan explained that each Commission member is required to be sworn in order to be able to serve on the Commission and she provided details of the process.

Mr. Outling commented that it is not the function of this hearing to justify the Commission's authority. The Commission is present to hear evidence as to Mr. Marshburn's intent to bring the property into compliance. It is the owner's choice whether or not testimony is given. Members are prepared to make a ruling if the owner chooses not to give any testimony.

Chair Sullivan asked Mr. Marshburn if he would like to be sworn as to his testimony. He said that since all Commission members were sworn to uphold the Constitution, he would agree to be sworn in.

Mr. Marshburn was sworn as to his testimony in the following matter.

Mr. Marshburn was asked to state his name and address for the record. He said he does not legally have an address because he cannot stay in the subject property. He said he could not give an address; however, the Commission knows where he used to live. He stated his name and indicated that he had no address. Following questioning, he stated that he is staying at his house located at 4693 Long Valley Road.

Chair Sullivan asked Mr. Marshburn to describe the timeframe and plan to cure all violations and bring the property into compliance.

Mr. Marshburn explained that there were no problems when his property was located in the County. Now that it is in the City, half the value of the house must be spent to bring the property into compliance. In addition, the City wants him to spend \$30,000 to hook up to water and sewer service at some point in the future. He indicated that he is on a fixed income. In order to make a fair evaluation concerning the property and his situation, he prepared an informational DVD for each Commissioner to review.

Chair Sullivan asked the owner if the DVD reflected anything different than the video being shown to Commissioners. She asked Inspector Foster when the video being shown to Commissioners was taken. He said that it was taken on February 27, 2014. Chair Sullivan asked why the video being shown was taken in February instead of March or April, 2014. Compliance Coordinator Benton explained that the decision was made with the legal department because it required a lot of City manpower and administrative warrant and staff did not believe there would be enough changes and improvements made in that period of time. However, Inspector Foster did go back out to the property recently to make a visual inspection.

Chair Sullivan noted that there have been police complaints about this property. Mr. Marshburn stated that two officers who were present earlier were told that he was a threat due to past accusations that he threatened to kill the entire City Council and Mayor. He stated that this was a falsehood and he was tired of this comment being made by City government. He recommended that members call the District Attorney or

check the records because he went to court over this matter. He stated his opinion that there was perjury by City officials who made the charges. He wanted to know who sent the officers saying that he threatened to kill City Council.

Chair Sullivan stated that the Commission was present discuss the violations on the subject property, not to debate the issue brought up by Mr. Marshburn. Mr. Marshburn said that the violations stem from when he was put in jail in 2007 based on false charges by City officials.

For the benefit of Mr. Marshburn, Ms. Sheraton explained the charge of the Minimum Housing Standards Commission to enforce housing codes. Mr. Marshburn felt that how he kept the inside of his home was no one's business as long as he was not a threat to anyone else.

Mr. Outling asked Mr. Marshburn for a summary of repairs that had been made since the video was taken in February, 2014. He explained that one of the things the Commission looks at when making their determination is whether or not the owner intends to bring the property into compliance. Mr. Marshburn stated that filing cabinets had been removed and debris has been cleaned up in the front yard. He plans to put a new roof on the house and new fencing materials have been purchased.

Mr. Outling asked Mr. Marshburn if he could come up with a plan and a timeline to bring the property into compliance if given additional time. Mr. Marshburn replied in the affirmative.

Given the fact that the owner has made representation that he would find it helpful to have additional time to provide a timeline and a plan and given the fact that the owner has done certain things since the video was shot that evidences intent to bring the property into compliance, Mr. Outling moved to continue the case until the May, 2014 meeting, seconded by Ms. Sheridan. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Sheridan, Quinn, Allen. Nays: None.)

Chair Sullivan informed Mr. Marshburn that he was to return on May 13, 2014 with a timeline and plan to bring the property into compliance. In addition, items in the front yard, back yard, and side yard areas should be cleaned up, excluding the garden area. Mr. Outling commented that City staff is very helpful and should be contacted with any questions regarding the violations.

REQUESTS TO RESCIND:

- 17. 804 Dillard Street (35-1-22)** Clarence Malloy and Sally Malloy, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Demolished by Owner. **(RESCINDED)**

Mr. Allen moved to rescind 804 Dillard Street, seconded by Mr. Outling. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

- 18. 231 South English Street (RESCINDED)**

Mr. Allen moved to rescind 231 South English Street, seconded by Mr. Outling. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Sheridan, Outling, Allen, Quinn. Nays: None.)

ADJOURNMENT:

There being no further business before the Group, the meeting adjourned at 3:07 p.m.

Respectfully submitted,

Kathleen Sullivan,
Chairwoman, City of Greensboro Minimum Housing Standards Commission

KS:sm/jd